

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
WESTERN DIVISION**

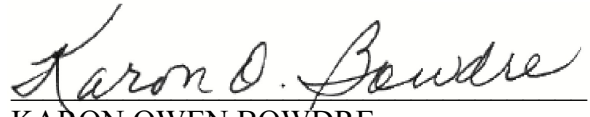
CAROLINA CASUALTY INSURANCE)
COMPANY,)
)
Plaintiff,)
)
v.) 7:10-cv-01614-JEO
)
ARKANSAS TRANSIT HOMES, INC.,)
SHIRLEY UPTON, MAX B. WARD,)
and ELIZABETH WARD,)
)
Defendants.)

MEMORANDUM OPINION

This case presents a declaratory judgment action in which the plaintiff Carolina Casualty Insurance Company seeks an order of this court determining the rights and obligations of the parties in an underlying state lawsuit. (Doc. 1). Defendant Arkansas Transit Homes, Inc., moved to dismiss or, alternatively, to stay the plaintiff's petition for declaratory relief. (Doc. 20). On August 25, 2011, the magistrate judge assigned this matter filed a "Report and Recommendation" finding that the motion is due to be DENIED. (Doc. 56). No party filed any objections to this finding.

The court has considered the entire file in this action together with the magistrate judge's Report and Recommendation and has reached an independent conclusion that the magistrate judge's Report and Recommendation is due to be adopted and approved. Accordingly, the court hereby **ADOPTS** and **APPROVES** the findings and recommendation of the magistrate judge as the findings and conclusions of the court. The court will enter an appropriate Order contemporaneously.

DONE, this 20th day of September, 2011.

A handwritten signature in black ink, reading "Karon O. Bowdre", written over a horizontal line.

KARON OWEN BOWDRE
UNITED STATES DISTRICT JUDGE